

REMARKS

Applicants thank the Examiner for acknowledging that claims 8-14 contain allowable subject matter. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 16, 32 and 35 are requested to be cancelled. Claims 1-15, 17-31, 33, 34 and 36-41 are currently being amended.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-15, 17-31, 33, 34 and 36-41 are now pending in this application.

Claim Objections

Claim 35 was objected to for depending from claim 2 and claim 36. In response, claim 35 had been cancelled making the objection moot. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claim 25 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In response, Applicants have amended claim 25 to further define the invention. Thus, Applicants respectfully request that the rejection be withdrawn and claim 25 be allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 21-23, 25 and 38-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0155854 ("Vanghi"). In response, Applicants respectfully traverse the rejection for the reasons that follow.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicants respectfully submit that Vanghi does not describe each and every element of the claims.

Independent claims 1 and 25 are directed to a device and method for controlling a wireless communications network. The network is composed of stations communicating with mobiles. The claimed method and device uses an elementary load calculator to compute a first elementary quantity taking into account the attenuation ($L_{v,mu}$) between each neighboring station for the mobile and the mobile, and the limit of total power emitted by each neighboring station ($P_{lim}(v)$). The elementary load calculator calculates the product of the first elementary quantity by a second elementary quantity taking into account the requirements, in terms of communication, of the mobile vis-à-vis a server station (ξ_{mu}) and the attenuation between the server station and the mobile ($L_{u,mu}$), which gives an elementary product. As recited in claims 1 and 25, the method and device “controls the link between said server station and one or more mobiles served by the station based on a load indicator derived from the elementary products related to each of the mobiles.”

Accordingly, the control method and device as claimed comprises, for a given station, the computation of an elementary product for a mobile served by the station that represents the load induced by the mobile on the station, and the control of the link between the server station and one or more mobiles served by the station from a load indicator derived from the elementary products computed for each mobile. The load indicator is compared to a threshold. The result of the comparison is used by the claimed method and device to perform admission and congestion control.

In contrast, Vanghi does not disclose, teach or suggest each and every element of the claimed invention. Specifically, Vanghi is not directed toward a control device and method for load control and power allocation in a mobile network. Instead, Vanghi is directed to a mobile station forward link control. The focus of Vanghi is establishing a forward link channel between a base station and a mobile station such that the initial transmit power is set

to a level that achieves a desired receive signal quality at the mobile station. (*See* Abstract.) Vanghi teaches a method for calculating the initial transmit power based on the knowledge of the link loss, the interference and on the desired signal-to-noise ratio. (*See* FIG. 2; ¶¶ [0030] – [0038]; ¶ [0024] stating, “[T]he network 100 infers expected transmit signal degradation from the path loss and interference conditions indicated by the pilot signal measurements returned to the network by the MS 102, and sets the initial forward link traffic channel transmit power to the level required such that the MS 102 receives the traffic channel with a required signal quality.”)

In addition, Vanghi presupposes that a mobile device has been admitted to the network. Specifically, the control method taught by Vanghi does not make it possible to decide whether to admit a mobile to the network or not. For example, Vanghi does not disclose computing “the product of the first elementary quantity by a second elementary quantity taking into account the requirements, in terms of communication, of the mobile vis-à-vis a server station (ξ_{mu}) and the attenuation between the server station and the mobile ($L_{u,mu}$), which gives an elementary product” as claimed in claim 1. Moreover, the Office Action does not point out with any particularity how Vanghi discloses each and every element of claims 1 and 25.

Accordingly, for the reasons set forth above, Applicants respectfully request that the rejection be withdrawn and independent claims 1 and 25 be allowed. Further, claims 21-23 and 38-40 depend from one of claims 1 and 25 and should be allowed for the reasons set forth above without regard to further patentable limitations cited therein.

Claim Rejections under 35 U.S.C. § 103

Claims 2-7, 24, 26-33 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanghi. Claims 15-18 and 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanghi in view of U.S. Patent Publication No. 2002/0107021 (“Ishikawa et al.”). Claims 19-20 and 36-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanghi in view of U.S. Patent Publication No. 2001/0053670 (“Voyer”) and in further view of Ishikawa et al.

As stated above, Vanghi does not disclose, teach or suggest each and every element of independent claims 1 and 25. Claims 2-7, 15-20, 24, 26-37 and 41 depend from one of claims 1 and 25 and should be allowed for the reasons set forth above without regard to further patentable limitations cited therein. Further, Ishikawa et al. and Voyer fail to cure the deficiencies of Vanghi. Thus, Applicants respectfully request reconsideration and that the rejection be withdrawn.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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